

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

WILLIAM F. KING, JR.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:04CV303-P-B

CITY OF SOUTHAVEN, et al

DEFENDANTS

ORDER

This cause is before the Court on the plaintiff's Objection to Order of U.S. Magistrate Judge Dated January 3, 2006 [38]. The Court, having reviewed the objections and being otherwise fully advised in the premises, finds as follows, to-wit:

Because the plaintiff's appeal from the Magistrate's ruling includes an averment that he would be amenable to a continuance of the April 10, 2006 trial setting and in light of this Court's contemporaneous decision to deny motions to dismiss filed by the municipal defendant and Mayor Greg Davis, the Court finds the Magistrate's January 3, 2006 Order should be set aside. The parties are to contact the assigned Magistrate Judge regarding the entry of a revised case management order within ten (10) days of the entry of this Order.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Magistrate's January 3, 2006 Order is VACATED for the reasons set forth above. IT IS FURTHER ORDERED that the trial of this matter, previously scheduled to commence on April 10, 2006 is hereby CONTINUED and RE-SET for trial on Monday, March 26, 2007 at 9:00 a.m. in Greenville, Mississippi. IT IS FURTHER ORDERED that the parties are to contact the assigned Magistrate Judge regarding the entry of a revised case management order on or before April 14, 2006.

SO ORDERED, this the 28th day of March, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE